

REMARKS

Claims 1-14 are pending in the present application. Claims 4 and 9 are canceled without prejudice. Claims 1, 5 and 11 are amended to emphasize that the Substance P antagonist is selected from the group consisting of

(2S,3S)-3-(2-isopropoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(2-ethoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(2-methoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(5-tert-butyl-2-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(2-difluoromethoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine; and  
pharmaceutically acceptable salts and solvates thereof.

The amendments to claims 1, 5 and 11 are fully support by the original specification (see original claims 1-15) and do not raise any issue of new matter. In addition, applicants believe that such claim amendments would place the present application in condition for allowance. Therefore, entry of the present Amendment is respectfully requested. Upon entry of the present Amendment, claims 1-3, 5-8 and 10-14 will be under examination.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Macy et al., U.S. Patent No. 5,958,888 (hereinafter "Macy") or Schadewald et al., U.S. Patent No. 5,468,735 (hereinafter "Schadewald") in combination with applicant's alleged admittance on page 1 of the specification and with Hagan et al., U.S. Patent No. 5,547,964 (hereinafter "Hagan"). The Office Action stated that "none of the claims have been limited to the use of compound CP 122,721 and it cannot be ascertained id many various Substance P antagonists encompassed by the instant claims will be useful at the same dosage." *Office Action at page 3.*

Applicants respectfully point out that the claims 1, 5 and 11 are amended to emphasize that the Substance P antagonist is selected from the group consisting of

(2S,3S)-3-(2-isopropoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(2-ethoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(2-methoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine;  
(2S,3S)-3-(5-tert-butyl-2-trifluoromethoxybenzyl)amino-2-phenylpiperidine;

(2S,3S)-3-(2-difluoromethoxy-5-trifluoromethoxybenzyl)amino-2-phenylpiperidine; and pharmaceutically acceptable salts and solvates thereof. Applicants note that these compounds include compound CP 122,721 and its closest analogs.

In addition, Applicants note that "2 mg/kg" is more than 30% higher than "1.5 mg/kg". If the present application is allowed and issued, the phrase "about 2 mg/kg" would not be interpreted as encompassing "1.5 mg/kg".

Therefore, claims 1-3, 5-8 and 10-14 are nonobvious over the cited references. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

### CONCLUSION

In view of the claim amendments and the remarks, further and favorable considerations of the presently pending claims and the issuance of a Notice of Allowance are respectfully requested.

It is believed that no fee is required for the consideration of this Amendment. However, if any fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 16-1445.

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